

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS**

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JANE DOE,

SUMMONS

Plaintiff,

-against-

Index No.:

NICHOLAS KARA,

Defendant.

-----X

To the above-named Defendant:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons (exclusive of the day of service), or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to appear or answer, a judgment will be entered against you by default for the relief demanded in the complaint. Plaintiff designates Queens County as the place of trial. The basis of venue is Plaintiff's residence.

DATED: August 28, 2019
Orangeburg, New York

KEVIN T. MULHEARN, P.C.

Kevin T. Mulhearn /S

BY: KEVIN MULHEARN, ESQ
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DARREN JAY EPSTEIN, ESQ., P.C.

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(845) 634-6800

Attorneys for Plaintiff, JANE DOE

Defendant: Nicholas Kara
167-15 12th Avenue, Apt. 8C
Whitestone, NY 11357

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS**

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JANE DOE,

Plaintiff,

-against-

**VERIFIED
COMPLAINT**

Index No.:

NICHOLAS KARA,

Defendant.

-----X

Plaintiff, JANE DOE (a Pseudonym), by and through her attorneys, KEVIN T. MULHEARN, P.C. and DARREN JAY EPSTEIN, ESQ, P.C., as and for her cause of action against Defendant, NICHOLAS KARA (“KARA”), hereby alleges, upon information and belief, as follows:

PARTIES

1. At all material times, Plaintiff, JANE DOE, was and still is a resident of the County of Queens, State of New York.
2. At all material times, Defendant, NICHOLAS KARA, was and still is a resident of the County of Queens, State of New York.
3. KARA is JANE DOE’s mother’s first cousin, and regarded by her family as her uncle.

STATEMENT OF FACTS

4. Upon information and belief, KARA was born in or about 1965 and is now approximately 53-years-old.
5. Plaintiff was born in 1994 and is now 25-years-old. She lives with her family in Queens, New York.
6. At all material times, KARA has lived in a house in College Point, New York, which is approximately ten minutes away from Plaintiff's home.
7. In or about 2001, KARA began grooming Plaintiff for sexual abuse. Under the pretext of being a solicitous uncle, he, *inter alia*, frequently purchased gifts for Plaintiff and frequently complimented her on her looks and intelligence.
8. From approximately 2002 through 2004, KARA sexually abused Plaintiff, when she was between 8 and 11-years-old, on at least 10 occasions. This sexual abuse usually took place in KARA's bedroom in his home, when he was "babysitting" Plaintiff and purporting to take care of her.
9. During these sexual abuse incidents, KARA would remove (or have Plaintiff remove) all of her clothing, remove all of his clothing, touch her entire body, including her breasts, genital area, and backside, perform oral sex on Plaintiff (then between 8 and 11-years-old), and force Plaintiff to lick his entire body, including his genitals and backside.

10. On at least one occasion, KARA attempted to force Plaintiff to perform oral sex on him, but she was unable to do so.
11. On at least one or two occasions, KARA attempted to rape Plaintiff and penetrate her, but he was unable to do so.
12. On several occasions, KARA videotaped his sexual abuse of Plaintiff using a WebCam video feed that he linked to his computer.
13. In or about 2009, while playing a videogame on his uncle's computer, Plaintiff's brother stumbled upon several disturbing videotape files, including one in which several prostitutes apparently were engaging in sexual activities.
14. Plaintiff's brother also saw a videotape file on KARA's computer that, upon information and belief, was labeled "My Little Angel." When he opened that videotape file, he was shocked to see his uncle (whose face was clearly visible) sexually abusing his sister. As he was terrified of his uncle's reaction if he (his uncle) discovered that his nephew had viewed the "My Little Angel" videotape, Plaintiff's brother told no one about the extraordinarily disturbing images that he had seen for a number of years.
15. Upon information and belief, in or about 2015, KARA was arrested on possession of marijuana criminal charges. During the course of his arrest, NYPD officers confiscated KARA's laptop computer.

16.KARA shortly thereafter told another relative that he was afraid that the police might find out about what was on his laptop. Upon information and belief, KARA was referring to the videotape of him abusing Plaintiff or other images involving either KARA's abuse of a child or children or child pornography.

**AS AND FOR A FIRST CAUSE OF ACTION:
ASSAULT AND BATTERY**

17.Plaintiff repeats and realleges each of the above-stated paragraphs of this Complaint as if fully set forth herein.

18.As described herein, Defendant KARA sexually abused and sexually assaulted the Plaintiff starting in or about 2002 and continuing for about another 3 years.

19.Defendant KARA attempted to have sexual intercourse with Plaintiff (when she was a minor and could not consent), sodomized the Plaintiff, forced the Plaintiff to perform oral sexual acts, and otherwise committed unlawful sexual acts, in violation of Article 130 of the New York Penal Law, on Plaintiff.

20.The above-stated acts and omissions of Defendant KARA demonstrate a reckless and conscious disregard of the rights, health, and safety of the rights of Plaintiff. The acts of KARA were so malicious, willful, and wanton as to

constitute a grievous injury to the public-at-large, as well as to the Plaintiff;

and, as such, give rise to punitive damages against Defendant KARA.

21. By reason of the foregoing, Defendant KARA is liable to Plaintiff for compensatory and punitive damages.

22. By reason of the foregoing, and as a direct and proximate result of Defendant's conduct, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, embarrassment, fright, anger, anxiety, and has been caused to suffer pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature.

23. By reason of the foregoing, and as a direct and proximate result of Defendant's conduct, Plaintiff has battled, and continues to battle, serious substance abuse issues, and has required extensive medical care to combat both her emotional distress and mental pain and suffering and substance abuse problems (at considerable costs).

24. This Cause of Action is timely, pursuant to The Child Victims Act that was enacted into law on February 14, 2019. Indeed, the Plaintiff alleges that Defendant committed intentional acts which resulted in the Plaintiff suffering physical, psychological or other injuries or conditions as a direct

and proximate result of conduct which constitutes a sexual offense committed against a child less than eighteen years of age, as defined in Article 130 of the New York Penal Law.

25. This action, moreover, has been filed not earlier than six months after, and not later than one year and six months after, the effective date of the newly added CPLR § 214-g (February 14, 2019).
26. The amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AD DAMNUM CLAUSE

WHEREFORE, based on the aforesaid, Plaintiff hereby respectfully demands judgment in her favor and against Defendant, NICHOLAS KARA, together with compensatory and punitive damages, and the interest, costs and disbursements pursuant to the causes of action herein, as well as any other, different or further relief to which this Court may seem just, necessary, or proper.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: August 28, 2019
Orangeburg, New York

KEVIN T. MULHEARN, P.C.

Kevin T. Mulhearn, P.C. /S

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Attorneys for Plaintiff, JANE DOE

VERIFICATION

STATE OF NEW YORK)

) SS:

COUNTY OF ROCKLAND)

I, KEVIN T. MULHEARN, the undersigned, an attorney duly admitted to practice law in New York State, hereby state and affirm, under penalty of perjury, that I am one of the attorneys for Plaintiff in the above-entitled action.

I have read the foregoing Complaint and know the contents thereof; the same is true to my own knowledge except as to those matters stated therein to be alleged on information and belief, and as to those matters I believe them to be true.

The grounds of my belief as to all matters not stated upon my own knowledge are based upon my reasonable belief in those matters, numerous communications with my client, the materials and documents in my file, and the investigations conducted by my office.

This verification is made by me and not by my clients because Plaintiff, my client, resides outside of Rockland County, the County where I maintain my office.

Dated: August 28, 2019

Kevin T. Mulhearn /S

KEVIN T. MULHEARN